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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,694	06/20/2006	Anton Oppel	2003P01958WOUS	3506

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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09/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/583,694	Applicant(s) OPPEL ET AL.	
	Examiner JASON HECKERT	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/20/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-14, 17 rejected under 35 U.S.C. 102(b) as being anticipated by Hechtl et al (Hechtl). Hechtl discloses a dishwasher comprising a door 2, a container 5 with an open side to be closed by said door, and a door seal 10. The door seal further comprises a fixing part 13 that is adapted for connection to the edge of the washing container at part 8 and a sealing element 15 adapted for mounting on an underside of the dishwasher door at part 22. The door seal itself comprises a strip 11. The fixing part, strip, and sealing element are constructed in one piece and contribute to the sealing effect on the edge of the washing container. The sealing strip is shown to be constructed free of any reinforcing means made of different material. Hechtl discloses that the seal is made of elastomeric material, which the examiner finds to be readable on an elastic plastic due to their prevalence in the art. Applicant claims that the plastic can be a “selected one of thermoplastic plastic and non-thermoplastic plastic”. Thus, any plastic reads on this claim.

3. Claims 11-14, 16, 18-19 rejected under 35 U.S.C. 102(b) as being anticipated by EP 1281345 ('345). '345 discloses a dishwasher comprising a door, container, and elastic plastic door seal (see figures 2 and 3). Parts M and R read on the fixing area

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and sealing element respectively. Little patentable weight is given to the phrase, "frame-shaped hollow profile", as it doesn't point to specific structure. Furthermore, item R has multiple sides (at least one rib N) and can read on a frame that is hollow (see figure 2). '345 also discloses a sealing lip L and additional longitudinal ribs N.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Hechtl in view of Bertsch et al (Bertsch). Hechtl states that the fixing area is U shaped, but does not disclose protruding resilient members. Bertsch discloses a plastic splash guard with a similar U shaped fixing area for attachment (figure 3). Bertsch also discloses teeth 58 to aid in retaining the splash guard. It would have been obvious at the time of invention to modify Hechtl and include teeth, as disclosed by Bertsch, to further fasten the fixing element.

6. Claims 16, 19-20 rejected 35 U.S.C. 103(a) as being unpatentable over Hechtl in view of French Publication 2788741 ('741). As stated previously, "frame-shaped hollow profile" is considered to be language that has little patentable weight, as it is not a sufficiently limiting description of the applicant's invention and many devices can read on it. Additionally, hollow seals are known in the home appliance art. '741 discloses a peripheral door seal 38 that has a hollow structure and exterior and interior ribs (see

figure 7). Thus, such a structure was known at the time of invention. It would have been obvious at the time of invention to modify Hechtl and include a hollow seal with internal and exterior ribs, as disclosed by '741, as it was a functionally equivalent sealing means with obvious and predictable results to one of ordinary skill.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

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